

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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EDRINNA MOOSMAN,  
Plaintiff,

v.

FRONTIER AIRLINES, a corporation doing  
business in Nevada; CERTIFIED AVIATION  
SPECIALIARA, a corporation doing business  
in Nevada; FLORA MASSEY, an individual  
and DOES 1-50, inclusive,

Defendants.

Case No. 2:24-cv-00720-GMN-EJY

**ORDER**

Pending before the Court is Plaintiff's First Amended Complaint (ECF No. 6) filed in response to the Courts Order entered on June 4, 2024. Plaintiff references the Notice of Right to Sue as Exhibit A, but did not file this with the Court. Plaintiff also did not file her Charge of Discrimination. Without these documents Plaintiff continues to fail to establish the Court has the authority to proceed with her complaint as she continues to assert she filed her complaint within one year of receiving her Right to Sue. *Id.* at 2. As previously explained to Plaintiff, Title VII of the 1964 Civil Rights Act as well as the Americans with Disabilities Act require a plaintiff commence litigation within 90 days after receiving a notice of right to sue letter. 42 U.S.C. § 2000e-5(f)(1); *Davis v. Consumer Safety Technology/Intoxalock*, Case No. CV-22-02118-PHX-MTL, 2023 WL 2708761, at \*1 (D. Ariz. Mar. 30, 2023); 42 U.S.C. § 12117(a) (ADA: incorporating the procedures established by Title VII). Claims filed after the 90 day window within which to bring suit may be dismissed. *Rowland v. Prudential Financial, Inc.*, 362 Fed.Appx. 596 (9th Cir. 2010).

Plaintiff's allegations also fail to state a claim. Regarding her sexually hostile work environment claim, Plaintiff offers a single sentence that is insufficient to establish severe or pervasive conduct that altered her working environment. *See* ECF No. 6 ¶ 11. *Surrell v. Cal. Water Serv. Co.*, 518 F.3d 1097, 1108 (9th Cir. 2008). Plaintiff also continues to fail to identify what, if

1 any, disability she suffers from thus failing to plead her ADA claim. *Sanders v. Arneson Prods.,*  
2 *Inc.*, 91 F.3d 1351, 1353 (9th Cir. 1996).

3 Finally, Plaintiff reasserts her Wrongful Termination Claim. This claim fails as a matter of  
4 law. *See Id.* at 5.

5 Accordingly, IT IS HEREBY ORDERED that Plaintiff's First Amended Complaint filed at  
6 ECF No. 6 is DISMISSED without prejudice.

7 IT IS FURTHER ORDERED that Plaintiff will have **one and only one more** opportunity to  
8 plead her claim fixing the deficiencies the Court has identified twice. Plaintiff will have through  
9 and including **July 19, 2024** to file her second amended complaint. Failure to state claims or to  
10 timely comply with the terms of this Order will result in a recommendation to dismiss this case in  
11 its entirety.

12 Dated this 24th day of June, 2024.

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15 ELAYNA J. YOUCHAH  
16 UNITED STATES MAGISTRATE JUDGE  
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